

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Chapter 11
E. Thomas Wold,) Case No. 08-27668
Debtor.) Judge Eugene R. Wedoff

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE that on March 23, 2010 at 9:30 a.m. or as soon thereafter as counsel can be heard, I shall appear before the Honorable Eugene R. Wedoff, Bankruptcy Judge, in the room usually occupied by him as courtroom #744 in the United States Bankruptcy Court in the Everett McKinley Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, or before any other Judge who may be sitting in his place and stead and shall present the **Motion of Crane, Heyman, Simon, Welch & Clar for Allowance and Payment of Final Compensation and Reimbursement of Expenses**, a copy of which Motion is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith.

AT WHICH TIME and place you may appear if you so see fit.

/s/Eugene Crane
Crane, Heyman, Simon, Welch & Clar
135 S. LaSalle St., Suite 3705
Chicago, Illinois 60603
(312) 641-6777

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath deposes and states that he caused a copy of the foregoing Notice and attached **Motion of Crane, Heyman, Simon, Welch & Clar for Allowance and Payment of Final Compensation and Reimbursement of Expenses**, to be served by first class mail, postage prepaid, from the Law Offices of Crane, Heyman, Simon, Welch & Clar, 135 S. LaSalle Street, Chicago, Illinois, to the names and addresses listed on the attached Service List on the 1st day of March , 2010, before the hour of 5:00 p.m.

/s/Eugene Crane

SERVICE LIST

Stephen G. Wolfe
United States Trustee
227 W. Monroe St.
Suite 3705
Chicago, IL 60603

E. Thomas Wold
3750 N. Lakeshore Dr., Apt. 6-B
Chicago, IL 60613

Lois West
Popowcer Katten, Ltd.
35 E. Wacker Drive
Suite 1550
Chicago, IL 60601

Allan S. Farnell
10 South LaSalle St.
Suite 3300
Chicago, IL 60606

Barry A. Chatz
Arnstein & Lehr LLP
120 S. Riverside Plz, Ste. 1200
Chicago, IL 60606-3910

MB Financial Bank, N.A.
c/o L. Judson Todhunter
Howard and Howard
200 S. Michigan Ave., Suite 1100
Chicago, IL 60604

Terrence D. McCabe
Ryan and Ryan
33 N. Dearborn St., Suite 1530
Chicago, IL 60602

Polar Container Corporation
7123 Barry Ave.
Rosemont, IL 60018

Miriam R. Stein
Arnstein & Lehr LLP
120 S. Riverside Plz, Suite 1200
Chicago, IL 60606-3910

Stanley D. Schwartz
10 South LaSalle Street
Suite 3300
Chicago, IL 60606

Matthew A. Swanson
George R. Mesires
Barack Ferrazzano Kirschbaum &
Nagelberg LLP
220 W. Madison St., Suite 3900
Chicago, IL 60606

Ronald Barlant
Zachary Garrett
Goldberg Kohn Bell Black Rosenbloom &
Moritz Ltd.
55 E. Monroe, Suite 3300
Chicago, IL 60603-5792

Terri M. Long
Law Office of Terri M. Long
18201 Morris Ave.
Homewood, IL 60430

Fitraco, N.V.
c/o Goldberg Kohn
Attn: Steven A. Levy
55 E. Monroe St., Suite 3300
Chicago, IL 60603

30 East Huron Condo Association
30 East Huron
Chicago, IL 60611

Best Drake Die Inc.
13434-365 Kolmar
Crestwood, IL 60445

Chicago Department of Revenue
121 North LaSalle Street
Room 107
Chicago, IL 60602

Cook County Department of Revenue
Amusement Taxes
121 North LaSalle St.
Chicago, IL 60664-1670

Countrywide Home Loans
PO Box 650070
Dallas, TX 75265

Delta Press
9400 Robinson Road
Franklin Park, IL 60131

Department of the Treasury
Internal Revenue Service
Centralized Insolvency Operations
PO Box 21126
Philadelphia, PA 19114

Horizon International LLC
7127 Barry Ave.
Rosemont, IL 60018

Illinois Department of Revenue
Bankruptcy Section
PO Box 64338
Chicago, IL 60664-0338

JP Morgan Chase
7255 Baymeadows Way
Mail Stop JAXB2007
Jacksonville, Florida 32256

Keane & Keane
225 W. Washington, Suite 1701
Chicago, IL 60606

Laurel Manufacturing LLC
2483 Pratt Blvd.
Elk Grove Village, IL 60007

Lemal Kulunkoblu
d/b/a Caytv
7127 Barry Ave., Unit 2B
Rosemont, IL 60018

Levin & Rosen
4051 Old Orchard Road
Skokie, IL 60076

MB Financial Bank
PO Box 6261
Chicago, IL 60680-6261

Metropolitan Pier
and Exposition Authority
301 E. Cermak Road
Chicago, IL 60616

Murray S. Peretz
414 N. Orleans, Suite 610
Chicago, IL 60610

National Roofing Corp.
1237 Circle Ave.
Forest Park, IL 60130

Perfect Storage Solutions
9400 Robinson Road
Franklin Park, IL 60131

Perl Mortgage, Inc.
c/o Countrywide Home Loans Serv.
2270 Lakeside Blvd.- Mail Stop: RLS-4
Richardson, TX 75082

Regency Decorating Services
9400 Robinson Road
Franklin Park, IL 60131

Richard Parton
30 E. Huron
Apts. 5102 & 5104
Chicago, IL 60611

Superior Fence Co. Inc.
9401 Schiller Ave.
Franklin Park, IL 60131

The Patterson Law Firm
1 North LaSalle Street
Suite 2100
Chicago, IL 60602

Union National Bank
101 E. Chicago St.
Elgin, IL 60120

Venture Fund LLC
1668 Checker Road
Long Grove, IL 60047

Washington Mutual
PO Box 9001123
Louisville, KY 40290-1123

Webster Bank
First Federal Bank
Waterbury, CT 06720

Webster Bank
PO Box 1809
Hartford, CT 06144-1809

Illinois Department of Revenue
Thompson Center, Concourse Level
100 West Randolph Street
Chicago, IL 60601-3274

Michael J. Kalkowski
Fisher and Shapiro LLC
4201 Lake Cook Road
Northbrook, IL 60062

Cook County Treasurer
118 N. Clark
Suite 112
Chicago, IL 60602

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Chapter 11
E. Thomas Wold,) Case No. 08-27668
Debtor.) Judge Eugene R. Wedoff

**MOTION OF THE LAW FIRM OF CRANE, HEYMAN, SIMON, WELCH & CLAR AS
DEBTOR'S COUNSEL, FOR ALLOWANCE AND PAYMENT OF
FINAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

To the Honorable Eugene R. Wedoff, Bankruptcy Judge:

Now come Eugene Crane, Arthur G. Simon, and the law firm of Crane, Heyman, Simon, Welch & Clar ("CHSWC"), counsel for the Debtor, E. Thomas Wold ("Debtor"), and for its Motion pursuant to Section 330 of the Bankruptcy Code for Allowance and Payment of Final Compensation and Reimbursement of Expenses, respectfully states as follows:

INTRODUCTION

1. On October 15, 2008, this Court entered an Order for Relief in the above-captioned matter pursuant to a voluntary petition under Chapter 11 of the United States Bankruptcy Code.
2. On February 24, 2010, this Court entered an Order confirming the Third Amended Plan of Reorganization filed by the Debtor.
3. On or about March 18, 2009, the Debtor presented its motion to employ CHSWC as the Debtor's bankruptcy counsel, and on or about that date an Order was entered by this Court granting the motion to employ. CHSWC received a \$25,000.00 post-petition retainer.
4. By this motion, CHSWC seeks allowance and payment of final compensation and reimbursement of expenses in the amounts of \$47,714.50 and \$972.73, respectively, for the period commencing March 10, 2009 through and

including February 26, 2010.

CHSWC BIOGRAPHICAL INFORMATION

5. CHSWC is a law firm whose practice is almost exclusively concentrated in the fields of bankruptcy, insolvency and commercial matters. The firm is comprised of six (6) members, all of whom have significant experience and expertise in the law firm's area of concentration. The following is certain biographical information pertaining to the members in the law firm who have rendered significant services in the Debtor's Chapter 11 case.

EUGENE CRANE

Eugene Crane is a member of the law firm of Crane, Heyman, Simon, Welch & Clar and has been practicing law in the State of Illinois since 1954. He is a member of the Federal Trial Bar and is admitted to practice before the United States Supreme Court; United States District Court, Northern District of Illinois, United States District Court, Eastern District of Wisconsin; the United States District Court, Northern District of Indiana and United States District Court for the Central District of Illinois. His practice has always been primarily concentrated in the areas of bankruptcy, insolvency and reorganization. He has been engaged in the private practice of law as a Trustee, counsel to Trustees, counsel to debtors, creditors, creditor's committees as well as secured creditors and purchasers at bankruptcy sales. He has served as mediator in bankruptcy cases and is on the panel of mediators for the Northern District of Illinois Eastern Division Bankruptcy Court, and has been appointed receiver and custodian in State Court cases and receiver and special commissioner in Federal Court cases. He has written extensively for the Illinois Institute for Continuing Legal Education, the Illinois State Bar Association, as well as other legal associations. He has been an instructor in bankruptcy skills courses for the Illinois Institute of Continuing Legal

Education as well as a frequent lecturer at seminars regarding various bankruptcy topics. He is a member of the Panel of Trustee's for the United States Trustee in the Northern District of Illinois and has acted as bankruptcy trustee in hundreds of cases. He is Past President and a former member of the Board of Directors of the National Association of Bankruptcy Trustees as well as past Chairman of the Trustee's Advisory Council in the Northern District of Illinois. He was a Chairman of the Committee on Bankruptcy and Reorganization for the Chicago Bar Association. He also served on the Committee on Professional Conduct of the Illinois State Bar Association and the Committee on Professional Responsibility of the Chicago Bar Association, and was Chair of the Committee on Delivery of Legal Services.

ARTHUR G. SIMON

Arthur G. Simon is a member of the law firm of Crane, Heyman, Simon, Welch & Clar, has been practicing law in the State of Illinois since 1979 when he graduated from the Loyola University of Chicago, School of Law and is a member of the Federal Trial Bar. Beginning in 1981, he became engaged almost exclusively in the practice of bankruptcy and insolvency litigation and has represented virtually every type of party in such matters, including Chapter 7 and Chapter 11 debtors, secured creditors, landlords, trustees, and creditors' committees. His activities have included membership in the Chicago Bar Association Committee on Bankruptcy and Reorganization. He has served as the Editor of the Advance Sheets provided by said Committee. In that capacity, he reported the rulings and opinions of the Bankruptcy Judges in the Northern District of Illinois to the Bankruptcy Committee members of the Chicago Bar Association. He served for several years on the Commercial, Banking and Bankruptcy Section Council of the Illinois State Bar Association for whom he has published several articles, and also served on the General Assembly of that Association.

6. The hourly rates charged by CHSWC for legal services rendered in this bankruptcy case are as follows:

<u>Attorney</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
Eugene Crane ("EC")	\$465.00	\$475.00
Arthur G. Simon ("AGS")	\$425.00	\$435.00
Jeffrey C. Dan ("JCD")	\$325.00	\$350.00

These hourly rates are the customary and usual rates which CHSWC charges clients on matters of this nature.

7. The total time expended by CHSWC attorneys in connection with this Chapter 11 case during the period commencing March 10, 2009 through and including February 26, 2010 is 114.20 hours as follows:

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Eugene Crane ("EC")	12.80 ¹	\$465.00	\$4,557.00
Eugene Crane ("EC")	10.70	\$475.00	\$5,082.50
Arthur G. Simon ("AGS")	68.30	\$425.00	\$29,027.50
Arthur G. Simon ("AGS")	16.00	\$435.00	\$6,960.00
Jeffrey C. Dan ("JCD")	6.10	\$325.00	\$1,982.50
Jeffrey C. Dan ("JCD")	.30	\$350.00	105.00
Total: <u>114.20</u>			<u>\$47,714.50</u>

LEGAL SERVICES RENDERED

9. The legal services rendered by CHSWC from March 10, 2009 through February 26, 2010, as more fully described in Exhibits A through C, have been divided into the following categories:

A. **GENERAL ADMINISTRATION**

The legal services rendered in this category include the preparation of motions with respect to administration of the case, including review of operating reports, preparation of employment and fee motions and other administrative matters.

¹CHSWC did not charge the Debtor for 3.00 hours of service provided on March 10, 2009.

Total Time Expended: 24.40 hours

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Eugene Crane ("EC")	7.70 ²	\$465.00	\$2,185.50
Eugene Crane ("EC")	4.00	\$475.00	\$1,900.00
Arthur G. Simon ("AGS")	8.40	\$425.00	\$3,570.00
Arthur G. Simon ("AGS")	4.30	\$435.00	\$1,870.50
	Total: 24.40		\$9,526.00

Attached to this Motion as Exhibit "A" is an itemization of the legal services rendered in this category.³

B. PLAN AND DISCLOSURE STATEMENT

The legal services rendered in this category relate to matters involving the Debtor's Plan and Disclosure Statement, negotiations with creditors regarding the Plan, preparation of pleadings with respect to the Plan and Disclosure Statement and court appearances with respect to same, resulting in an order approving the adequacy of the disclosure statement and confirming the Third Amended Plan of Reorganization.

Total Time Expended: 66.40 hours

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Eugene Crane ("EC")	3.60	\$465.00	\$1,674.00
Eugene Crane ("EC")	5.80	\$475.00	\$2,755.00
Arthur G. Simon ("AGS")	48.40	\$425.00	\$20,570.00
Arthur G. Simon ("AGS")	8.60	\$435.00	\$3,741.00
	Total: 66.40		\$28,740.00

Attached to this Motion as Exhibit "B" is an itemization of the legal services rendered in this category.

C. BARRY PROPERTY

The legal services rendered in this category relate to matters involving the

²CHSWC did not charge the Debtor for 3.00 of service provided on March 10, 2009.

³Pursuant to Local Rule 5082-1, during the period commencing March 10, 2009 through and including February 26, 2010 CHSWC expended 2.20 hours of time representing a fee of \$957.00 in the preparation of this Motion.

real estate owned by the Debtor located on Barry Avenue, in Rosemont, Illinois, including preparation of pleadings relating to the sale of that property, preparation for and appearance at the closing of the sale of that property and negotiation of a settlement with the mortgage holder of that property whereby the estate netted approximately \$24,000.00.

Total Time Expended: 23.40 hours

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Eugene Crane ("EC")	1.50	\$465.00	\$ 697.50
Eugene Crane ("EC")	.90	\$475.00	\$ 427.50
Arthur G. Simon ("AGS")	11.50	\$425.00	\$4,887.50
Arthur G. Simon ("AGS")	3.10	\$435.00	\$1,348.50
Jeffrey C. Dan ("JCD")	6.10	\$325.00	\$1,982.50
Jeffrey C. Dan ("JCD")	.30	\$350.00	105.00
Total:	<u>23.40</u>		\$9,448.50

Attached to this Motion as Exhibit "C" is an itemization of the legal services rendered in this category.

EXPENSES INCURRED

8. During the course of the representation of the Debtor, CHSWC has incurred necessary expenses for which reimbursement is sought. The total amount of these expenses for the period commencing March 10, 2009 through and including February 26, 2010 is \$972.73. Attached to this motion as Exhibit "D" is an itemization of the expenses incurred.

CONCLUSION

9. Other than as provided in Section 504(b) of the Bankruptcy Code, CHSWC has not shared, or agreed to share, any compensation received as a result of this case with any person, firm or entity. No promises concerning compensation have been made to CHSWC by any person, firm or entity.

10. CHSWC asserts that the final compensation requested in this Motion is

reasonable compensation for the actual and necessary legal services rendered, based upon the time, nature, extent and value of such legal services. CHSWC further asserts that the cost of legal services rendered for and on behalf of the Debtor is comparable to the cost of similar services in matters other than under the Bankruptcy Code.

11. CHSWC asserts that the expenses for which reimbursement is sought in this Motion are reasonable and were actual and necessary expenditures required in the representation of the Debtor in this Chapter 11 case.

12. By this Motion, the Debtor seeks authority to pay said sums, less the retainer, from an escrow account, established by order of this Court, at The Private Bank, which contains funds totaling approximately \$63,000.00, representing remaining proceeds of the sale of certain real estate owned by the Debtor, which proceeds are now free and clear of liens, claims and encumbrances, due to a settlement approved by this Court, between the Debtor and MB Financial Bank N.A. Concurrent with this Motion, the Debtor is presenting a Motion for Authority to Pay Final Compensation to his Accountant, which seeks authority to pay the sum of \$3,234.50 from said account. By this Motion, the Debtor seeks authority to close out said account after the above disbursements and to transfer the balance to his personal account.

WHEREFORE, for the foregoing reasons, Eugene Crane, Arthur G. Simon, and the law firm of Crane, Heyman, Simon, Welch & Clar, counsel for the Debtor, prays for the entry of an order pursuant to Section 330 of the Bankruptcy Code, as follows:

- a) Allowing final compensation and reimbursement of expenses to CHSWC in the amounts of \$47,714.50 and \$972.73, respectively, for services provided from the period commencing March 10, 2009 through and including February 26, 2010;
- b) Authorizing and directing payment from The Private Bank account to CHSWC of said sums, less the retainer of \$25,000.00;
- c) Authorizing the Debtor to close out said account after the disbursements

to CHSWC and his accountant, and to transfer the balance to his personal account; and

- d) Granting such other relief as may be just and equitable.

CRANE, HEYMAN, SIMON, WELCH & CLAR

By: /s/Eugene Crane

Attorneys for Debtor

Eugene Crane (Atty. 0537039)

Arthur G. Simon, Esq. (Atty. Reg. #03124481)

Crane, Heyman, Simon, Welch & Clar

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